

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

MICHAEL T. FLYNN,

Defendant

Crim. No. 17-232 (EGS)

JOINT MOTION TO ABATE BRIEFING SCHEDULE

On August 30, 2019, defendant Michael T. Flynn filed a motion to compel the production of *Brady* material, and for an order to show cause why the government should not be held in contempt of court (“Motion to Compel”). (ECF #109). On September 10, 2019, this Court held a hearing and set a briefing schedule for that motion, and scheduled a hearing on the matter for October 31, 2019. (Minute Order of September 10, 2019; ECF #114). At the September 10th hearing, the Court also scheduled this case for sentencing on December 18, 2019, and ordered that the government file its supplemental sentencing memorandum by December 2, 2019, and that the defendant file his supplemental sentencing memorandum by December 10, 2019. (Minute Order of Sept. 10, 2019; ECF #114). The Court later canceled the hearing for the Motion to Compel because of the parties’ “comprehensive briefing,” and directed the parties to file a surreply and sur-surreply on November 1 and 4, 2019, respectively. (Minute Order of Oct. 28, 2019; ECF #127; Minute Order of Oct. 29, 2019).

As of the date of this filing, the Court had not yet issued its ruling on the defendant’s Motion to Compel. Both parties share the Court’s goal to move this case along expeditiously. The parties nonetheless believe that their sentencing submissions will be incomplete if they are filed prior to the Court’s issuance of its ruling on the Motion to Compel. Additionally, the

parties note that the Department of Justice's Office of the Inspector General (OIG) is conducting an *Examination of the Department's and the FBI's Compliance with Legal Requirements and Policies in Applications Filed with the US. Foreign Intelligence Surveillance Court Relating to a certain US. Person*. The parties expect that the report of this investigation will examine topics related to several matters raised by the defendant. As widely reported by the media, that report is expected to issue in the next several weeks.

For these reasons, the parties respectfully request that the Court suspend the currently scheduled dates for briefing and sentencing until further order of the Court.

Respectfully submitted,

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By: /s/_____

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Dated: November 26, 2019

CERTIFICATE OF SERVICE

I, Jocelyn Ballantine, certify that I caused to be served a copy of the foregoing by electronic means on counsel of record for the defendant on November 26, 2019.

/s/

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[PROPOSED] ORDER

On November 26, 2019, the government filed a Joint Motion to Abate Briefing Schedule, in which the parties requested that the Court abate the current briefing schedule for sentencing and vacate the current sentencing date, until further order of the Court.

Upon consideration of the request, and for the reasons stated in the joint motion, it is hereby ORDERED that:

The government's joint motion to abate the briefing schedule and to vacate the sentencing date is hereby GRANTED.

THE COURT will issue a further order at the appropriate time.

IT IS SO ORDERED.

The Honorable Emmet G. Sullivan
United States District Judge